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Attorneys for Claimants
 First 100, LLC, 1st One Hundred Holdings, LLC
 and Battle Born Investments Company, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Approximately 69,370 Bitcoin (BTC), Bitcoin
 Gold (BTG), Bitcoin SV (BSV), and Bitcoin
 Cash (BCH) seized from
 1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx,

Defendant.

First 100, LLC, 1st One Hundred Holdings,
 LLC, and Battle Born Investments Company,
 LLC,

Claimants.

Case No. 3:20-cv-07811-RS

**DECLARATION OF JEFFREY
 NICHOLAS IN SUPPORT OF
 CLAIMANTS' OPPOSITION TO
 MOTION TO STRIKE THE CLAIMS OF
 CLAIMANTS BATTLE BORN
 INVESTMENTS COMPANY, LLC, FIRST
 100, LLC AND 1ST ONE HUNDRED
 HOLDINGS, LLC**

Date: September 9, 2021

Time: 1:30 p.m.

Ctrm: 3 (Via Zoom)

The Hon. Richard Seeborg

Trial Date: None Set

DECLARATION OF JEFFREY NICHOLAS

I, Jeffrey Nicholas, declare as follows:

1. I am a partner of Fox Rothschild LLP, attorneys for Claimants First 100, LLC, 1st One Hundred Holdings, LLC and Battle Born Investments Company, LLC ("Claimants"). I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

2. I was first contacted about this matter on February 27, 2021 by Claimants who inquired as to whether my firm had an office in San Francisco that could serve as local counsel in a civil asset forfeiture proceeding involving bitcoin acquired by Claimants by way of the bankruptcy proceeding of Raymond Ngan. I was familiar with Mr. Ngan's bankruptcy proceeding because of work I had been doing for Claimants involving the sale of certain monatomic cooper powder acquired from Mr. Ngan's bankruptcy estate. Claimants' CEO told me that the Government had seized bitcoin from a wallet owned by Mr. Ngan or in which Mr. Ngan had an interest and that Claimants intended to file claims to assert their ownership of the bitcoin.

3. I came to understand Claimants had recently become aware of the Government's seizure of the bitcoin as a result of reading a news article, and that since that time, Claimants had been assembling a team of lawyers and had begun initial work on the case. I also came to understand that Claimants' deadline for filing their claims was 60 days from the date that the Government published notice, which Claimants and their lawyers believed would occur sometime in the near future. It was my understanding that one of the lawyers in the group had checked and had determined that publication of notice of the seizure of the Bitcoin had not yet taken place.

4. Claimants filed their claims on March 16, 2021. Within 3 days of the March 16, 2021 filing by Claimants of their claims, Claimants' attorneys and the Government's attorneys began communicating about this matter, both by email and phone. This includes telephone calls between counsel as early as March 19, 2021 and then again on March 23, 2021.

5. On April 6, 2021, the Government sent an email stating that: "I just wanted to

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1 check in regarding any of the explanations of claims we discussed during our last phone call.” The
2 next day my partner Jaemin Chang responded, “We are in the process of compiling supporting
3 documents and preparing a memo outlining our position. We hope to have the packet to you in the
4 next few weeks. Unredacted Answers are attached as requested. Let me know if you need anything
5 further.” On May 3, 2021, Claimants submitted an outline of their position to the Government.

6 6. It was not until May 24, 2021, more than 2 months after the filing of the claims,
7 that the Government first mentioned that claims were late filed.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

10 Executed on this 10th day of August, 2021, at Warrington, Pennsylvania.

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13 JEFFREY NICHOLAS
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